

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**IN ADMIRALTY**

IN THE MATTER OF THE:

Case No. 3:19-cv-1384-J-34JBT

Complaint and Petition of AINEO CORPORATION, and its stockholder, ROBERT K. WILSON, as owners and/or owners *pro hac vice* of Vessel 2019 Chaparral Suncoast 230, HIN FGBW0119H819, including her engines, gear, tackle, appurtenances, furniture, etc., for Exoneration from and/or Limitation of Liability,

Petitioners.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 27; Report) entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on May 13, 2020. In the Report, Judge Toomey recommends that Petitioners' Motion to Dismiss and/or to Strike Claimant Warren's Claim and Demand for Jury Trial (Dkt. No. 14; Motion) be granted to the extent that Claimant's demand for jury trial be stricken with prejudice, claimant's unseaworthiness claim be dismissed with prejudice, Claimant's negligence claim be dismissed without prejudice, and that Claimant be given an opportunity to file a properly pleaded negligence claim. See Report at 2, 6. To date, no objections to the Report have been filed, and the time for doing so has passed. However, on May 28, 2020, Claimant filed Claimant, Linda Warren's, Amended Complaint (Dkt. No. 31; Amended Complaint). Although Claimant did not seek leave of Court before filing the Amended Complaint, it appears that Claimant is attempting to comply with Judge Toomey's

recommended resolution in the Report. Thus, the Court will treat the filing of the Amended Complaint as notice of Claimant's non-objection to the Report.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at \* 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Report and Recommendation (Dkt. No. 27) is **ADOPTED** as the opinion of the Court.
2. Petitioners' Motion to Dismiss and/or to Strike Claimant Warren's Claim and Demand for Jury Trial (Dkt. No. 14) is **GRANTED** to the following extent:
  - a. Claimant's demand for jury trial is **STRICKEN with prejudice**;
  - b. Claimant's unseaworthiness claim is **DISMISSED with prejudice**;
  - c. Claimant's negligence claim is **DISMISSED without prejudice**.
3. Otherwise, the Motion is **DENIED**.

4. Claimant, Linda Warren's, Amended Complaint (Dkt. No. 31) is deemed properly filed.

**DONE AND ORDERED** at Jacksonville, Florida, this 2nd day of June, 2020.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record